

State Water Resources Control Board

Division of Drinking Water

August 4, 2015  
System No.: 1502017

Mr. Jay Reyna, Safety Director  
Wheeler Farms Headquarters Water System  
4813 Calloway Drive  
Bakersfield, CA 93312

RE: Compliance Order No. 03-12-15R-013  
Violation of the Nitrate Maximum Contaminant Level

Dear Mr. Reyna:

Enclosed is a Compliance Order issued to the Wheeler Farms Headquarters (Water System) public water system.

As directed in the enclosed Compliance Order, please provide recognition of receipt of this Compliance Order and the Water System's intent to comply with the Order to the Division of Drinking Water, Visalia District office by **September 15, 2015**.

The Water System will be billed at the Division's hourly rate (currently estimated at \$128.00) for the time spent on issuing this Citation. The California Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specific enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the Division has spent approximately two hours on enforcement activities associated with this violation.

If you have any questions regarding this letter or the enclosed Compliance Order, please contact me at (559) 447-3300 or Shen Huang at (559) 447-3484.

Sincerely,



Tricia A. Wathen, P.E.  
Senior Sanitary Engineer, Visalia District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

TAW/SH

Enclosures

cc: Kern County Environmental Health Department (compliance order only)  
Seaco Technologies

1  
2  
3 **CALIFORNIA**  
4 **STATE WATER RESOURCES CONTROL BOARD**  
5 **DIVISION OF DRINKING WATER**

6 **IN RE: WHEELER FARMS HEADQUARTERS WATER SYSTEM**  
7 Water System No.: 1502017

8 **TO:** Mr. Jay Reyna, Safety Director  
9 Mr. Leonard A. Bidart, Trustee  
10 Betsy A. Bidart Trust  
11 Adobe Farms LP  
12 Copus Farms LP  
13 Herring Farms LP  
14 Teale Farms LP  
4813 Calloway Drive  
Bakersfield, CA 93312

15 **Cc:** Kern County Environmental Health Department (w/o attachments)  
16 Seaco Technologies

17 **COMPLIANCE ORDER NO. 03-11-15R-013**  
18 **FOR**  
19 **VIOLATION OF HEALTH AND SAFETY CODE SECTION 116655 (a)(1)**  
20 **AND THE PRIMARY DRINKING WATER STANDARD FOR NITRATE**

21 **Dated: August 4, 2015**

22 The State Water Resources Control Board (hereinafter "Board"), acting by and  
23 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director  
24 for the Division (hereinafter "Deputy Director"), hereby issues this compliance order  
25 (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety  
26 Code (hereinafter "CHSC") to Wheeler Farms Headquarters Water System and its  
27 owner of record, Leonard Bidart, Betsy A. Bidart Trust, Adobe Farms LP, Copus

Farms LP, Herring Farms LP, and Teale Farms LP, for violation of CHSC section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

**APPLICABLE AUTHORITIES**

**CHSC, Section 116555(a)(1) states in relevant part:**

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
- (1) Complies with primary and secondary drinking water standards.

**CHSC, Section 116655 states in relevant part:**

- (a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
- (1) Directing compliance forthwith.
  - (2) Directing compliance in accordance with a time schedule set by the department.
  - (3) Directing that appropriate preventive action be taken in the case of a threatened violation.
- (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
- (1) That the existing plant, works, or system be repaired, altered, or added to.
  - (2) That purification or treatment works be installed.
  - (3) That the source of the water supply be changed.
  - (4) That no additional service connection be made to the system.
  - (5) That the water supply, the plant, or the system be monitored.
  - (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

**Title 22, CCR, Section 64431 (hereinafter "Section 64431"), states in relevant part:**

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

**Table 64431-A**  
**Maximum Contaminant Levels**  
**Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level,</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO <sub>3</sub> )	45.**
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

\* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

\*\* As of July 2015 the California regulation for nitrate was revised to change the reporting units from nitrate (as NO<sub>3</sub>) to nitrate (as nitrogen also referred to "as N"). This revision maintains the same maximum contaminant levels (MCLs) for nitrate (as NO<sub>3</sub>) at 45 mg/L and nitrate (as N) at 10 mg/L. Please ensure that future monitoring for nitrate is analyzed as nitrate (as N).

**Title 22, CCR Section 64432 (hereinafter "Section 64432") provides in relevant part:**

...

**Section 64432.1**

(a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems using groundwater and transient-noncommunity systems using approved surface water shall monitor annually, and all community and nontransient-noncommunity systems using approved surface water shall monitor quarterly.

(1) The water supplier shall require the laboratory to notify the supplier within 24 hours whenever the level of nitrate in a single sample exceeds the MCL, and shall ensure that a contact person is available to receive such analytical

1 results 24-hours a day. The water supplier shall also require the laboratory  
2 to immediately notify the Department of any acute nitrate MCL exceedance  
3 if the laboratory cannot make direct contact with the designated contact  
4 person within 24 hours. Within 24 hours of notification, the water supplier  
5 shall:

6 (A) Collect another sample, and

7 (B) Analyze the new sample; if the average of the two nitrate sample results  
8 exceeds the MCL, report the result to the Department within 24 hours. If  
9 the average does not exceed the MCL, inform the Department of the  
10 results within seven days from the receipt of the original analysis.

11 (C) If a system is unable to resample within 24 hours, it shall notify the  
12 consumers by issuing a Tier 1 Public Notice pursuant to section 64463.1  
13 and shall collect and analyze a confirmation sample within two weeks of  
14 notification of the results of the first sample.

15 (2) For public water systems using groundwater, the repeat monitoring  
16 frequency shall be quarterly for at least one year following any one sample  
17 in which the concentration is greater than or equal to 50 percent of the MCL.  
18 After four consecutive quarterly samples are less than the MCL, a system  
19 may request that the Department reduce monitoring frequency to annual  
20 sampling.

### 21 STATEMENT OF FACTS

22 The Wheeler Farms Headquarters water system (hereinafter "Water System") is a  
23 privately owned nontransient-noncommunity public water system as defined in  
24 CHSC, section 116275. The Water System is located in Kern County and supplies  
25 water for domestic purposes to approximately 40 individuals through approximately  
26 10 service connections: 6 homes and 4 business related buildings. Out of the total  
27 population served, approximately 18 people are residents. The Water System  
operates under Domestic Water Supply Permit No. 03-19-03P-001, issued on March  
14, 2003.

The Water System utilizes one groundwater well (Well 1) as its source of domestic  
water. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking  
water standards and monitoring and reporting requirements for inorganic  
constituents. All public water systems must comply with the maximum contaminant

level (MCL) for nitrate of 45 mg/L (reported as NO<sub>3</sub>), as established in Title 22 CCR Section 64431.

The most recent sample collected from Well 1 on April 6, 2015, had a nitrate concentration of 170 mg/L (reported as NO<sub>3</sub>). Based on this nitrate result, the Division concludes that the Water System has violated the nitrate MCL. In addition, the Water System has been consistently monitoring quarterly for nitrate due to the fact that it continues to exceed the nitrate MCL.

A summary of the Water System's nitrate monitoring is presented in Table 1 below. All results are as reported to the Division by the laboratory that performed the analysis.

**Table 1: Well No. 1 Nitrate (reported as NO<sub>3</sub>) Monitoring Results (2014-Present)**

Sample Date	Sample Result
01/06/2014	160 mg/L
04/02/2014	160 mg/L
06/03/2014	160 mg/L
07/02/2014	180 mg/L
10/03/2014	180 mg/L
01/06/2015	160 mg/L
04/06/2015	170 mg/L

The Water System was previously in violation of the nitrate MCL, and Compliance Order No. 03-12-95O-004 was issued to the Water System on April 27, 1995 and amended on June 12, 1995, for that violation. This compliance order replaces and voids Compliance Order No. 03-12-95O-004, and its directives. A summary of

1 historical nitrate results since the previous nitrate MCL Compliance Order has been  
2 provided in Attachment A.

3  
4 Public notification to the Division and consumers of a water system is required  
5 whenever a violation of the Nitrate MCL occurs. The Division has been notified, in  
6 accordance with the referenced section.

7  
8 Public notification has been regularly provided to the consumers of the Water  
9 System on a quarterly basis. The most recent public notification was conducted on  
10 April 28, 2015, advising each customer of the failure of the nitrate MCL during the  
11 month of January 2015. A copy of the notice that was directly delivered to each  
12 customer is provided as Attachment B. A template of the Public Notification is  
13 provided as Attachment C. Proof of Notification is provided as Attachment D. As part  
14 of the Proof of Notification submittal, the Water System has also been submitting a  
15 quarterly summary of the purchased and distributed bottled water to the residents.  
16

17 **DETERMINATIONS**

18 Based on the above Statement of Facts, the Division has determined that the Water  
19 System has violated CHSC, Section 116555 and Section 64431 in that the water  
20 produced by Well 1 exceeded the nitrate MCL as shown in Table 1 above, and  
21 further has determined that said violation has continued from 1995 and through the  
22 date of this Order.  
23  
24  
25  
26  
27

**DIRECTIVES**

The Water System is hereby directed to take the following actions:

1. On or before **July 31, 2017**, comply with Title 22, CCR, Section 64431 and remain in compliance.
2. On or before **September 15, 2015**, submit a written response to the Division indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.
3. Commencing on the date of service of this Order, provide quarterly public notification in English and Spanish in accordance with Attachment C, hereto, of the Water System's failure to meet the nitrate MCL during any calendar quarter in which the nitrate MCL is exceeded. Continue to also provide quarterly summary of purchased bottled water as long as bottled water is provided as an interim solution to the residents.
4. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as Attachment D, hereto.
5. Commencing on the date of service of this Order collect quarterly samples for nitrate from Well 1, as required by Section 64432, and ensure that the analytical results are reported as nitrate (as N) reporting units and reported to



1 the Division electronically by the analyzing laboratory no later than the 10<sup>th</sup> day  
2 following the month in which the analysis was completed.  
3

- 4
- 5 6. Prepare for Division approval a Corrective Action Plan identifying improvements  
6 to the water system designed to correct the water quality problem (violation of  
7 the nitrate MCL) and ensure that the Water System delivers water to  
8 consumers that meets primary drinking water standards. The plan shall include  
9 a time schedule for completion of each of the phases of the project such as  
10 design, construction, and startup, and a date as of which the Water System will  
11 be in compliance with the nitrate MCL, which date shall be no later than July  
12 31, 2017.
- 13
- 14 7. On or before **October 1, 2015**, submit the Corrective Action Plan required  
15 under Directive No. 6, above, to the Division's offices located at 265 W. Bullard  
16 Avenue, Suite 101, Fresno, CA.
- 17
- 18 8. Timely perform the Division-approved Corrective Action Plan and each and  
19 every element of said plan according to the time schedule set forth therein.
- 20
- 21 9. On or before **January 1, 2016**, and every three months thereafter, submit a  
22 report to the Division in the form provided as Attachment E, hereto, showing  
23 actions taken during the previous calendar three months to comply with the  
24 Corrective Action Plan.  
25  
26  
27

1 10. Not later than ten (10) days following the date of compliance with the nitrate  
2 MCL, demonstrate to the Division that the water delivered by Water System  
3 complies with the nitrate MCL.  
4

5 11. Notify the Division in writing no later than five (5) days prior to the deadline for  
6 performance of any Directive set forth herein if Water System anticipates it will  
7 not timely meet such performance deadline.  
8

9 All submittals required by this Order shall be addressed to:

10 Tricia Wathen, P.E.  
11 Senior Sanitary Engineer – Visalia District  
12 State Water Resources Control Board  
13 Division of Drinking Water, Visalia District  
265 W. Bullard Ave, Suite 101  
Fresno, CA 93704

14 As used in this Order, the date of issuance shall be the date of this Order; and the  
15 date of service shall be the date of service of this Order, personal or by certified  
16 mail, on the Water System.  
17

18 The Division reserves the right to make such modifications to this Order and/or to  
19 issue such further order(s) as it may deem necessary to protect public health and  
20 safety. Such modifications may be issued as amendments to this Order and shall be  
21 deemed effective upon issuance.  
22

23 Nothing in this Order relieves Water System of its obligation to meet the  
24 requirements of the California SDWA, or any regulation, standard, permit or order  
25 issued thereunder.  
26  
27

1 **PARTIES BOUND**

2 This Order shall apply to and be binding upon Water System, its owners,  
3 shareholders, officers, directors, agents, employees, contractors, successors, and  
4 assignees.  
5

6 **SEVERABILITY**

7 The Directives of this Order are severable, and Water System shall comply with  
8 each and every provision hereof, notwithstanding the effectiveness of any other  
9 provision.  
10

11 **FURTHER ENFORCEMENT ACTION**

12 The California SDWA authorizes the Board to: issue a citation with assessment of  
13 administrative penalties to a public water system for violation or continued violation  
14 of the requirements of the California SDWA or any regulation, permit, standard,  
15 citation, or order issued or adopted thereunder including, but not limited to, failure to  
16 correct a violation identified in a citation or compliance order. The California SDWA  
17 also authorizes the Board to take action to suspend or revoke a permit that has been  
18 issued to a public water system if the public water system has violated applicable  
19 law or regulations or has failed to comply with an order of the Board; and to petition  
20 the superior court to take various enforcement measures against a public water  
21 system that has failed to comply with an order of the Board. The Board does not  
22 waive any further enforcement action by issuance of this Order.  
23  
24  
25  
26  
27



8-4-2015

Carl L. Carlucci, P.E., Chief  
Central California Section  
State Water Resources Control Board  
Division of Drinking Water

Date



Certified Mail No. 7010 3090 0002 0396 4390

CLC/TAW/SH

Attachments:

- A. Historical Data Table
- B. Copy of 1<sup>st</sup> Quarter 2015 Public Notification submitted by Water System
- C. Public Notification Template
- D. Proof of Notification Form
- E. Quarterly Progress Report Form

DATE: 07/13/15  
REPORT: R-040/2-3

STATE OF CALIFORNIA  
DRINKING WATER PROGRAM

PAGE: 1

DRINKING WATER ANALYSES RESULTS REPORT  
ALL SAMPLES FOR SELECTED CONSTITUENTS - ALL RESULTS  
FOR SAMPLE DATE RANGE OF 20050101 THRU 20150713  
REPORT OF COUNTY: 15 KERN

SYSTEM NO: 1502017 NAME: WHEELER FARMS HEADQUARTERS  
SOURCE NO: 001 NAME: WELL 01

COUNTY: KERN  
PSCODE: 1502017-001 CLASS: CTGA STATUS: AU

GROUP IDENTIFICATION CONSTITUENT IDENTIFICATION	SAMPLE DATE	RESULT *	MCL	DLR	TRIGGER	UNIT
.....						
NI NITRATE/NITRITE						
71850 NITRATE (AS N03)	02/22/2005	110.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	03/15/2005	130.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	04/05/2005	130.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	06/27/2005	130.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	09/13/2005	130.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	12/07/2005	120.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	06/05/2006	70.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	09/18/2006	130.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	10/24/2006	130.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	01/15/2007	140.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	04/03/2007	150.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	06/01/2007	26.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	08/27/2007	140.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	11/15/2007	140.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	01/16/2008	130.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	04/16/2008	150.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	07/23/2008	53.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	09/09/2008	160.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	12/15/2008	120.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	07/13/2009	153.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	10/13/2009	130.0000 *	45.0000	2.0000	23.0000	MG/L

NOTE1: \* = RESULT IS EQUAL TO OR GREATER THAN TRIGGER

NOTE2: .000 = RESULT WAS REPORTED AS NON-DETECTED EXCEPT FOR RAD

DATE: 07/13/15  
REPORT: R-040/2-3

STATE OF CALIFORNIA  
DRINKING WATER PROGRAM

PAGE: 2

DRINKING WATER ANALYSES RESULTS REPORT  
ALL SAMPLES FOR SELECTED CONSTITUENTS - ALL RESULTS  
FOR SAMPLE DATE RANGE OF 20050101 THRU 20150713  
REPORT OF COUNTY: 15 KERN

SYSTEM NO: 1502017 NAME: WHEELER FARMS HEADQUARTERS  
SOURCE NO: 001 NAME: WELL 01

COUNTY: KERN  
PSCODE: 1502017-001 CLASS: CTGA STATUS: AU

GROUP IDENTIFICATION CONSTITUENT IDENTIFICATION	SAMPLE DATE	RESULT *	MCL	DLR	TRIGGER	UNIT
71850 NITRATE (AS N03)	01/07/2010	130.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	04/06/2010	120.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	07/01/2010	140.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	09/02/2010	160.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	10/05/2010	120.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	01/03/2011	140.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	04/05/2011	140.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	06/02/2011	130.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	07/06/2011	130.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	10/05/2011	150.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	01/04/2012	140.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	04/03/2012	150.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	07/10/2012	150.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	10/02/2012	150.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	01/03/2013	150.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	04/02/2013	160.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	07/02/2013	160.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	10/02/2013	150.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	01/06/2014	160.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	04/02/2014	160.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	06/03/2014	160.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	07/02/2014	180.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS N03)	10/03/2014	180.0000 *	45.0000	2.0000	23.0000	MG/L

NOTE1: \* = RESULT IS EQUAL TO OR GREATER THAN TRIGGER

NOTE2: .000 = RESULT WAS REPORTED AS NON-DETECTED EXCEPT FOR RAD

DATE: 07/13/15  
REPORT: R-040/2-3

STATE OF CALIFORNIA  
DRINKING WATER PROGRAM

PAGE: 3

DRINKING WATER ANALYSES RESULTS REPORT  
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REPORT OF COUNTY: 15 KERN

SYSTEM NO: 1502017 NAME: WHEELER FARMS HEADQUARTERS  
SOURCE NO: 001 NAME: WELL 01

COUNTY: KERN  
PSCODE: 1502017-001 CLASS: CTGA STATUS: AU

GROUP IDENTIFICATION CONSTITUENT IDENTIFICATION	SAMPLE DATE	RESULT *	MCL	DLR	TRIGGER	UNIT
71850 NITRATE (AS NO3)	01/06/2015 .	160.0000 *	45.0000	2.0000	23.0000	MG/L
71850 NITRATE (AS NO3)	04/06/2015 .	170.0000 *	45.0000	2.0000	23.0000	MG/L

NOTE1: \* = RESULT IS EQUAL TO OR GREATER THAN TRIGGER  
NOTE2: .000 = RESULT WAS REPORTED AS NON-DETECTED EXCEPT FOR RAD

**DRINKING WATER WARNING****Wheeler Farms Water System water has high levels of nitrate.**

MAY 6 2015

SWRCB - DDW  
FRESNO FOB**DO NOT GIVE THE WATER TO INFANTS UNDER 6 MONTHS OLD  
OR USE IT TO MAKE INFANT FORMULA**

Water sample results collected on January 6, 2015 showed nitrate levels of 160 mg/L. This is above the nitrate standard, or maximum contaminant level (MCL), of 45 mg/L as NO<sub>3</sub>. Nitrate in drinking water is a serious health concern for infants less than six months old.

**What should I do?**

- **DO NOT GIVE THE WATER TO INFANTS OR PREGNANT WOMEN.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Medical advice should be sought immediately if any of these symptoms occur. High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.* If you are pregnant or have specific health concerns, you may also consult your doctor.
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- Non-pregnant women, men, and children older than six months can drink the tap water (nitrate is a concern for infants because they can not process nitrates in the same way adults can).

**What happened? What is being done?**

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems and run-off). Levels of nitrate in drinking water can vary throughout the year. We will let you know when the amount of nitrate is again below the limit.

Currently bottled water is provided for drinking and cooking.

For more information, please contact Scott Moore at 661-213-6930.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by Wheeler Farms in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.



## Instructions for Tier 1 Nitrate Notice Template

### Template Attached (See Attachment C)

Since exceeding the nitrate maximum contaminant level is a Tier 1 violation, you must provide public notice to persons served as soon as practical but within 24 hours after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.1(b)]. During this time period, you must also contact the Department. Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)]. You should also coordinate with your local health department.

#### Notification Methods

You must use one or more of the following methods to deliver the notice to consumers [64463.1(c)]:

- Radio or television
- Posting in conspicuous locations throughout the area served by the water system
- Hand delivery to persons served by the water system

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served. If you post or hand deliver, print your notice on letterhead, if available.

The notice attached is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for radio, TV, or posting. If you do, you must still include all required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

#### Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

Non-English Speaking Groups Other than Spanish-Speaking. For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

#### Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

#### Alternative Sources of Water

If you are providing alternative sources of water for infants or pregnant women, your notice should say where to obtain it. If you choose to provide bottled water, remember that bottled water can also be contaminated or high in nitrates if the bottler uses water from your system. If you are providing bottled water, make sure it meets standards by contacting the bottler and asking for the most recent test results.

#### Corrective Action

In your notice, describe corrective actions you are taking. The bullet below describes one action commonly taken by water systems with nitrate/nitrite violations. Use this language, if appropriate, or develop your own:

- "We are investigating water treatment and other options. These may include drilling a new well, mixing the water with low-nitrate water from another source, or buying water from another water system."

#### After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after issuing the notice [64451(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions, and the doctors should have the information they need to respond appropriately. They also need to make sure the water is not provided to infants and pregnant women in their care.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

## AVISO SOBRE SU AGUA POTABLE

**Agua del sistema Wheeler Farms Headquarters tiene altos niveles de nitratos**  
**NO DAR DE BEBER ESTE AGUA A BEBES MENORES DE 6 MESES DE EDAD**  
**NI USARLA PARA HACER LECHE DE FORMULA**

### ¿Qué son los resultados de pruebas de agua?

Resultados de pruebas de agua colectadas [date of sample(s)] \_\_\_\_\_ tienen concentraciones de nitratos en el agua de nuestra sistema de [level and units] \_\_\_\_\_. Este nivel excede el estándar estatal y federal de nitrato, o el nivel máximo de contaminación de 10 mg/L (miligramos por litro). \* Nitrato en agua potable puede generar problemas serios de salud para bebés menores de 6 meses de edad.

### ¿Qué debo hacer?

- **NO LE DE ESTE AGUA A BEBES O A MUJERES EMBARAZADAS.**
  - *Bebés menores de seis (6) meses que toman agua con nitrato en exceso del nivel máximo de contaminación se pueden enfermar seriamente y, sin tratamiento médico, pueden morir. Los síntomas incluyen dificultad en respirar y síndrome de bebé azul.* El síndrome de bebé azul se refiere al color azulado que toma la piel del bebé. Los síntomas en los bebés pueden desarrollarse con rapidez. Si los síntomas ocurren en infantes menores de seis (6) meses de edad, busque atención médica inmediatamente.
  - Agua, jugo o leche en polvo para bebés menores de seis (6) meses de edad no debe prepararse con agua de la llave. Deben usar agua embotellada u otra agua bajo el nitrato para los bebés hasta el próximo aviso.
- **MUJERES EMBARAZADAS NO DEBEN BEBER ESTA AGUA.**
  - Bebiendo agua con nitrato en exceso del nivel máximo de contaminación también puede afectar a mujeres embarazadas reduciendo la capacidad de la sangre para transportar oxígeno. Si usted está embarazada o tiene algún problema de salud en particular, consulte con su médico.
- **NO HIERVA EL AGUA.** Hervir, congelar, filtrar, o dejar el agua en reposo no reduce el nivel de nitrato. De hecho, al hervir el agua puede aumentar aún más la concentración de nitrato, debido a que el nitrato permanece cuando parte del agua se evapora.

**¿Qué pasó?** Nitrato en el agua puede provenir de fuentes naturales, industriales o de la agricultura (incluyendo descargas de tanques sépticos y escorrentía agrícola). La concentración de nitrato en el agua potable puede variar durante el año, depende en el nivel de agua subterráneo. Nosotros les avisaremos cuando el nivel de nitrato esté nuevamente debajo del nivel máximo de contaminación.

### ¿Qué se está haciendo al respecto?

[Describe corrective action, seasonal fluctuations, and when the system expects to return to compliance.] \_\_\_\_\_

Para más información, por favor contacte a [name of contact] \_\_\_\_\_ al teléfono [phone number] \_\_\_\_\_ o escribiendo a [mailing address] \_\_\_\_\_. Se puede buscar alguien que puede facilitar la conversación en inglés con el contacto.

*Por favor comparta esta información con otros que pueden tomar de esta agua, poniendo este aviso en lugares visibles, o distribuyéndolo por correo, o entregándolo de mano. Es de particular interés distribuir este aviso si usted lo recibe representando un negocio, un hospital, un hogar de infantes, un hogar de ancianos o una comunidad residencial.*

Este aviso ha sido enviado a usted de parte de Wheeler Farms Headquarters.

Fecha [date]: \_\_\_\_\_



## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.  
Para más información, hable con alguien que lo entienda bien y que puede traducirlo.

### DRINKING WATER WARNING

**Wheeler Farms Headquarters Water System water has high levels of nitrate  
DO NOT GIVE THE WATER TO INFANTS UNDER 6 MONTHS OLD  
OR PREGNANT WOMEN OR USE IT TO MAKE INFANT FORMULA**

Water sample results received [insert date] showed nitrate levels of [insert level and units]. This is above the nitrate standard, or maximum contaminant level (MCL), of 10 milligrams per liter.\* Nitrate in drinking water is a serious health concern for infants less than six months old.

#### What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin.* Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

#### What happened? What is being done?

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems, storm water run-off, and fertilizers). Levels of nitrate in drinking water can vary throughout the year. We will let you know if the amount of nitrate is again below the limit. [Describe corrective action, seasonal fluctuations, and when system expects to return to compliance.]

For more information, please contact [insert name of contact] at [insert phone number] or [insert mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

#### Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Wheeler Farms Headquarters Water System. Date distributed: [insert date].

**Certification of Completion of Public Notification**

This form, when completed and returned to the Division of Drinking Water - Visalia District (265 W. Bullard Ave. #101, Fresno, CA 93704 or fax to 559-447-3304), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

**Public Water System Name:** Wheeler Farms Headquarters Water System

**Public Water System No.:** 1502017

Public notification for failure to comply with the **Nitrate MCL** was conducted on:

(Circle one): 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> 4<sup>th</sup> quarter of \_\_\_\_\_ (year).

Notification was made on \_\_\_\_\_ (date).

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

☐ The notice was distributed by mail or direct delivery to each customer on: \_\_\_\_\_

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery (renters, nursing home patients, prison inmates, etc.):

☐ Posted the notice at the following conspicuous locations served by the water system. (If needed, please attach a list of locations). \_\_\_\_\_

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice on the Internet at www. \_\_\_\_\_

☐ Other method used to notify customers. \_\_\_\_\_

I hereby certify that the above information is factual.

Certified by: Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

**DISCLOSURE:** Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Division of Drinking Water within 10 days of notification to the public  
Nitrate MCL Exceedance / Enforcement Action No.: 03-12-15R-013

# Quarterly Progress Report

Water System:	<b>Wheeler Farms Headquarters Water System</b>	Water System No.:	<b>1502017</b>
Compliance Order No.:	<b>03-12-15R-013</b>	Violation:	<b>Nitrate MCL</b>
Calendar Quarter:		Date Prepared:	

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Tulare District Office.

**Summary of Compliance Plan:**

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**Tasks completed in the reporting quarter:**

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**Tasks remaining to complete:**

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**Anticipate compliance date:**

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**Name**

--

**Signature**

--

**Title**

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**Date**